

"(2) INTEREST.—
 "(A) IN GENERAL.—The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined by the Secretary) based on the average of the bond equivalent rates of ninety-one-day Treasury bills auctioned during that period.

"(B) PERIOD.—The period referred to in subparagraph (A) is the period beginning—

"(i) if notice is provided as prescribed by subsection (b), 191 days after the date on which the owner of the facility ceases to be a public or nonprofit agency, school, or entity as described in subparagraph (A), (B), or (C) of subsection (a)(1), as the case may be, or 191 days after the date on which the use of the facility changes as described in paragraph (2) or (3) of subsection (a), or

"(ii) if notice is not provided as prescribed by subsection (b), 11 days after the date on which such cessation or change of use occurs, and ending on the date the amount the United States is entitled to recover is collected.

"(d) WAIVER.—The Secretary may waive the recovery rights of the United States under subsection (a)(2) with respect to a facility (under such conditions as the Secretary may establish by regulation) if the Secretary determines that there is good cause for waiving such rights.

"(e) LIEN.—The right of recovery of the United States under subsection (a) shall not, prior to judgment, constitute a lien on any facility."

SEC. 810. CLINICAL TRAINEESHIPS.

Section 303(d)(1) of the Public Health Service Act (42 U.S.C. 242a(d)(1)) is amended by inserting "counseling" after "family therapy."

SEC. 811. CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES.

Section 418B(a) of the Public Health Service Act (42 U.S.C. 287a-3(a)) is amended by striking "\$5,000,000" and inserting "\$2,500,000".

TITLE IX—GENERAL PROVISIONS

SEC. 901. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act takes effect upon the date of the enactment of this Act.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following: "An Act to amend the Public Health Service Act to revise and extend programs relating to the health of individuals who are members of racial and ethnic minority groups, and for other purposes."

And the House agree to the same.

JOHN D. DINGELL,
 HENRY A. WAXMAN,
 BILL RICHARDSON,
 EDOLPHUS TOWNS,
 CRAIG A. WASHINGTON,
 CARLOS J. MOORHEAD,
 TOM BLILEY,
 MIKE BILIRAKIS,
 SAM GIBBONS,
 HAROLD FORD,

Managers on the Part of the House.

From the Committee on Ways and Means, for consideration of titles VI and VII of the Senate bill, and modifications committed to conference:

EDWARD M. KENNEDY,
 HOWARD M. METZENBAUM,
 PAUL SIMON,
 NANCY LANDON
 KASSEBAUM,
 ORRIN G. HATCH,

Managers on the Part of the Senate.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. GONZALEZ, announced that the yeas had it.

Mr. WAXMAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 394
 affirmative { Nays 5

122.25 [Roll No. 504] YEAS—394

Abercrombie	Costello	Grams
Ackerman	Cox	Green
Allard	Coyne	Greenwood
Andrews (ME)	Cramer	Gunderson
Andrews (NJ)	Crane	Gutierrez
Andrews (TX)	Crapo	Hall (OH)
Archer	Cunningham	Hall (TX)
Armey	Danner	Hamburg
Bacchus (FL)	Darden	Hamilton
Bachus (AL)	de la Garza	Hansen
Baessler	Deal	Harman
Baker (CA)	DeFazio	Hastert
Baker (LA)	DeLauro	Hastings
Ballenger	Dellums	Hayes
Barca	Derrick	Hefley
Barcia	Deutsch	Hefner
Barlow	Diaz-Balart	Herger
Barrett (NE)	Dickey	Hilliard
Barrett (WI)	Dicks	Hinchey
Bartlett	Dingell	Hoagland
Becerra	Dixon	Hobson
Beilenson	Dooley	Hochbrueckner
Bereuter	Doolittle	Hoekstra
Berman	Dornan	Hoke
Bevill	Dreier	Holden
Bilbray	Dunn	Horn
Bishop	Durbin	Hoyer
Blackwell	Edwards (CA)	Huffington
Bliley	Edwards (TX)	Hughes
Blute	Ehlers	Hunter
Boehlert	Emerson	Hutchinson
Boehner	Engel	Hutto
Bonilla	English	Hyde
Bonior	Eshoo	Inglis
Borski	Evans	Inslee
Boucher	Everett	Jacobs
Brooks	Ewing	Jefferson
Browder	Farr	Johnson (CT)
Brown (CA)	Fawell	Johnson (GA)
Brown (FL)	Fazio	Johnson (SD)
Brown (OH)	Fields (LA)	Johnson, E.B.
Bryant	Fields (TX)	Johnston
Bunning	Filner	Kanjorski
Buyer	Fingerhut	Kaptur
Byrne	Fish	Kasich
Callahan	Flake	Kennedy
Calvert	Ford (MI)	Kennelly
Camp	Fowler	Kildee
Canady	Frank (MA)	Kim
Cantwell	Franks (CT)	King
Cardin	Franks (NJ)	Kingston
Carr	Frost	Klecza
Castle	Furse	Klein
Chapman	Gallegly	Klink
Clay	Gejdenson	Klug
Clayton	Gekas	Knollenberg
Clement	Gephardt	Kolbe
Clinger	Geren	Kopetski
Clyburn	Gibbons	Kreidler
Coble	Gilchrest	Kyl
Coleman	Gillmor	LaFalce
Collins (GA)	Gilman	Lambert
Collins (IL)	Gingrich	Lancaster
Collins (MI)	Glickman	Lantos
Combest	Gonzalez	LaRocco
Condit	Goodlatte	Lazio
Conyers	Goodling	Leach
Cooper	Gordon	Levin
Coppersmith	Goss	Lewis (CA)

Lewis (GA)	Orton	Sisisky
Lewis (KY)	Owens	Skaggs
Lightfoot	Oxley	Skeen
Linder	Packard	Skelton
Lipinski	Pallone	Smith (IA)
Livingston	Parker	Smith (MI)
Lloyd	Pastor	Smith (NJ)
Long	Paxon	Smith (OR)
Lowey	Payne (NJ)	Smith (TX)
Lucas	Pelosi	Snowe
Machtley	Penny	Solomon
Maloney	Peterson (FL)	Spence
Mann	Peterson (MN)	Stark
Manton	Petri	Stearns
Manzullo	Pickett	Stokes
Margolies-Mezvinsky	Pombo	Strickland
Markey	Pomeroy	Stupak
Martinez	Portman	Swett
Matsui	Poshard	Swift
Mazzoli	Price (NC)	Synar
McCandless	Pryce (OH)	Talent
McCloskey	Quillen	Tanner
McCollum	Quinn	Tauzin
McCrery	Rahall	Taylor (MS)
McDade	Ramstad	Taylor (NC)
McDermott	Rangel	Tejeda
McHale	Reed	Thomas (CA)
McHugh	Regula	Thomas (WY)
McInnis	Reynolds	Thompson
McKeon	Richardson	Thornton
McKinney	Ridge	Thurman
McNulty	Roberts	Torkildsen
Meehan	Roemer	Torres
Meek	Rogers	Towns
Menendez	Rohrabacher	Traficant
Meyers	Ros-Lehtinen	Unsoeld
Mfume	Rose	Upton
Mica	Rostenkowski	Valentine
Michel	Roth	Velazquez
Miller (CA)	Rowland	Vento
Miller (FL)	Roybal-Allard	Visclosky
Mineta	Royce	Volkmer
Minge	Rush	Vucanovich
Mink	Sabo	Walker
Moakley	Sanders	Walsh
Molinari	Sangmeister	Waters
Mollohan	Santorom	Watt
Montgomery	Sarpalius	Waxman
Moorhead	Sawyer	Weldon
Moran	Saxton	Wheat
Morella	Schaefer	Williams
Murphy	Schen	Wilson
Murtha	Schiff	Wise
Myers	Schroeder	Wolf
Nadler	Schumer	Woolsey
Neal (MA)	Scott	Wyden
Neal (NC)	Sensenbrenner	Wynn
Nussle	Serrano	Yates
Oberstar	Sharp	Young (AK)
Obey	Shaw	Young (FL)
Olver	Shays	Zeliff
Ortiz	Shepherd	Zimmer
	Shuster	

NAYS—5

Burton	Hancock	Stump
Duncan	Johnson, Sam	

NOT VOTING—35

Applegate	Inhofe	Roukema
Barton	Istook	Slattery
Bateman	Laughlin	Slaughter
Bentley	Lehman	Spratt
Bilirakis	Levy	Stenholm
Brewster	Lewis (FL)	Studds
DeLay	McCurdy	Sundquist
Foglietta	McMillan	Torricelli
Ford (TN)	Payne (VA)	Tucker
Gallo	Pickle	Washington
Grandy	Porter	Whitten
Houghton	Ravenel	

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

122.26 NATIONALITY AND NATURALIZATION AMENDMENTS

On motion of Mr. BROOKS, by unanimous consent, the bill (H.R. 783) to amend title III of the Immigration and Nationality Act to make changes in

the laws relating to nationality and naturalization; together with the following amendments of the Senate to the amendment of the House to the amendment of the Senate thereto, was taken from the Speaker's table:

Page 36, after line 19 of the House engrossed amendment, insert:

SEC. 220. WAIVER OF FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES.

(a) WAIVER.—Section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) is amended—

(1) in the first proviso by inserting “(or, in the case of an alien described in clause (iii), pursuant to the request of a State Department of Public Health, or its equivalent after “interested United States Government agency”); and

(2) by inserting after “public interest” the following: “except that in the case of a waiver requested by a State Department of Public Health, or its equivalent the waiver shall be subject to the requirements of section 214(k)”.

(b) RESTRICTIONS ON WAIVER.—Section 214 of such Act (8 U.S.C. 1184) is amended by adding at the end the following:

“(k)(1) In the case of a request by an interested State agency for a waiver of the two-year foreign residence requirement under section 212(e) with respect to an alien described in clause (iii) of that section, the Attorney General shall not grant such waiver unless—

“(A) in the case of an alien who is otherwise contractually obligated to return to a foreign country, the government of such country furnishes the Director of the United States Information Agency with a statement in writing that it has no objection to such waiver;

“(B) the alien demonstrates a bona fide offer of full-time employment at a health facility and agrees to begin employment at such facility within 90 days of receiving such waiver and agrees to continue to work in accordance with paragraph (2) at the health care facility in which the alien is employed for a total of not less than 3 years (unless the Attorney General determines that extenuating circumstances such as the closure of the facility or hardship to the alien would justify a lesser period of time);

“(C) the alien agrees to practice medicine in accordance with paragraph (2) for a total of not less than 3 years only in the geographic area or areas which are designated by the Secretary of Health and Human Services as having a shortage of health care professionals; and

“(D) the grant of such waiver would not cause the number of waivers allotted for that State for that fiscal year to exceed twenty.

“(2) (1) Notwithstanding section 248(2), the Attorney General may change the status of an alien that qualifies under this subsection and section 212(e) to that of an alien described in section 101(a)(15)(H)(i)(b).

“(B) No person who has obtained a change of status under subparagraph (A) and who has failed to fulfill the terms of a contract with a health facility shall be eligible to apply for an immigrant visa, for permanent residence, or for any other change of non-immigrant status until it is established that such person has reside and been physically present in the country of his nationality or his last residence for an aggregate of at least two years following departure from the United States.

“(3) Notwithstanding any other provision of this subsection, the two-year foreign residence requirement under section 212(e) shall apply with respect to an alien described in clause (iii) of that section, who has not otherwise been accorded status under section 101(a)(27)(H), if at any time the alien practices medicine in an area other than an area described in paragraph (1)(C).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to aliens admitted to the United States under section 101(a)(15)(J) of the Immigration and Nationality Act, or acquiring such status after admission to the United States before, on, or after the date of enactment of this Act and before June 1, 1996.

Page 36, after line 19 of the House engrossed amendment, insert:

SEC. 221. VISAS FOR OFFICIALS OF TAIWAN.

Whenever the president of Taiwan or any other high-level official of Taiwan shall apply to visit the United States for the purposes of discussions with United States federal or state government officials concerning:

(i) Trade or business with Taiwan that will reduce the U.S.-Taiwan trade deficit;

(ii) Prevention of nuclear proliferation;

(iii) Threats to the national security of the United States;

(iv) The protection of the global environment;

(v) The protection of endangered species; or

(iv) Regional humanitarian disasters.

The official shall be admitted to the United States, unless the official is otherwise excludable under the immigration laws of the United States.

Page 36, after line 19 of the House engrossed amendment, insert:

SEC. 222. EXPANSION OF DEFINITION OF AGGRAVATED FELONY.

(a) EXPANSION OF DEFINITION.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended to read as follows:

“(43) The term ‘aggravated felony’ means—

“(A) murder;

“(B) illicit trafficking in a controlled substance (as defined in section 102 of the Controlled Substances Act), including a drug trafficking crime (as defined in section 924(c) of title 18, United States Code);

“(C) illicit trafficking in firearms or destructive devices (as defined in section 921 of title 18, United States Code) or in explosive material (as defined in section 841(c) of that title);

“(D) an offense described in section 1956 of title 18, United States Code (relating to laundering of monetary instruments) or section 1957 of that title (relating to engaging in monetary transactions in property derived from specific unlawful activity) if the amount of the funds exceed \$100,000;

“(E) an offense described in—

“(i) section 842 (h) or (i) of title 18, United States Code, or section 844 (d), (e), (f), (g), (h), or (i) of that title (relating to explosive materials offenses);

“(ii) section 922(g) (1), (2), (3), (4), or (5), (j), (n), (o), (p), or (r) or 924 (b) of (h) of title 18, United States Code (relating to firearms offenses); or

“(iii) section 5861 of the Internal Revenue Code of 1986 (relating to firearms offenses);

“(F) a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least 5 years;

“(G) a theft offense (including receipt of stolen property) or burglary offense for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 5 years;

“(H) an offense described in section 875, 876, 877, or 1202 of title 18, United States Code (relating to the demand for or receipt of ransom);

“(I) an offense described in section 2251, 2251A, or 2252 of title 18, United States Code (relating to child pornography);

“(J) an offense described in section 1962 of title 18, United States Code (relating to racketeer influence corrupt organizations) for which a sentence of 5 years’ imprisonment or more may be imposed;

“(K) an offense that—

“(i) relates to the owning, controlling, managing, or supervising of a prostitution business; or

“(ii) is described in section 1581, 1582, 1583, 1584, 1585, or 1588, of title 18, United States Code (relating to peonage, slavery, and involuntary servitude);

“(L) an offense described in—

“(i) section 793 (relating to gathering or transmitting national defense information), 798 (relating to disclosure of classified information), 2153 (relating to sabotage) or 2381 or 2382 (relating to treason) of title 18, United States Code; or

“(ii) section 601 of the National Security Act of 1947 (50 U.S.C. 421) (relating to protecting the identity of undercover intelligence agents);

“(M) an offense that—

“(i) involves fraud or deceit in which the loss to the victim or victims exceeds \$200,000; or

“(ii) is described in section 7201 of the Internal Revenue Code of 1986 (relating to tax evasion) in which the revenue loss to the Government exceeds \$200,000;

“(N) an offense described in section 274(a)(1) of title 18, United States Code (relating to alien smuggling) for the purpose of commercial advantage;

“(O) an offense described in section 1546(a) of title 18, United States Code (relating to document fraud) which constitutes trafficking in the documents described in such section for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 5 years;

“(P) an offense relating to a failure to appear by a defendant for service of sentence if the underlying offense is punishable by imprisonment for a term of 15 years or more; and

“(Q) an attempt or conspiracy to commit an offense described in this paragraph.

The term applies to an offense described in this paragraph whether in violation of Federal or State law and applies to such an offense in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to convictions entered on or after the date of enactment of this Act.

SEC. —. SUMMARY DEPORTATION.

(a) EXPEDITED PROCEDURES.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended—

(1) in subsection (b)(4)(D), by striking “the determination of deportability is supported by clear, convincing, and unequivocal evidence and”; and

(2) in subsection (b)(4)(E), by striking “entered” and inserting “adjudicated”.

(b) TECHNICAL CORRECTION.—Section 106(d)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended by striking “242A(b)(5)” and inserting “242A(b)(4)”.

SEC. —. JUDICIAL DEPORTATION.

(a) JUDICIAL DEPORTATION.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following new subsection:

“(d) JUDICIAL DEPORTATION.—

“(1) AUTHORITY.—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of

sentencing against an alien whose criminal conviction causes such alien to be deportable under section 241(a)(2)(A), if such an order has been requested by the United States Attorney with the concurrence of the Commissioner and if the court chooses to exercise such jurisdiction.

“(2) PROCEDURE.—

“(A) The United States Attorney shall file with the United States District court, and serve upon the defendant and the Service, prior to commencement of the trial or entry of a guilty plea a notice of intent to request judicial deportation.

“(B) Notwithstanding section 242B, the United States Attorney, with the concurrence of the Commissioner, shall file at least 30 days prior to the date set for sentencing a charge containing factual allegations regarding the alienage of the defendant and identifying the crime or crimes which make the defendant deportable under section 241(a)(2)(A).

“(C) If the court determines that the defendant has presented substantial evidence to establish prima facie eligibility for relief from deportation under this Act, the Commissioner shall provide the court with a recommendation and report regarding the alien's eligibility for relief. The court shall either grant or deny the relief sought.

“(D)(i) The alien shall have a reasonable opportunity to examine the evidence against him or her, to present evidence on his or her own behalf, and to cross-examine witnesses presented by the Government.

“(ii) The court, for the purposes of determining whether to enter an order described in paragraph (I), shall only consider evidence that would be admissible in proceedings conducted pursuant to section 242(b).

“(iii) Nothing in this subsection shall limit the information a court of the United States may receive or consider for the purposes of imposing an appropriate sentence.

“(iv) The court may order the alien deported if the Attorney General demonstrates that the alien is deportable under this Act.

“(3) NOTICE, APPEAL, AND EXECUTION OF JUDICIAL ORDER OF DEPORTATION.—

“(A)(i) A judicial order of deportation or denial of such order may be appealed by either party to the court of appeals for the circuit in which the district court is located.

“(ii) Except as provided in clause (iii), such appeal shall be considered consistent with the requirements described in section 106.

“(iii) Upon execution by the defendant of a valid waiver of the right to appeal the conviction on which the order of deportation is based, the expiration of the period described in section 106(a)(1), or the final dismissal of an appeal from such conviction, the order of deportation shall become final and shall be executed at the end of the prison term in accordance with the terms of the order. If the conviction is reversed on direct appeal, the order entered pursuant to this section shall be void.

“(B) As soon as is practicable after entry of a judicial order of deportation, the Commissioner shall provide the defendant with written notice of the order of deportation, which shall designate the defendant's country of choice for deportation and any alternate country pursuant to section 243(a).

“(4) DENIAL OF JUDICIAL ORDER.—Denial without a decision on the merits of a request for a judicial order of deportation shall not preclude the Attorney General from initiating deportation proceedings pursuant to section 242 upon the same ground of deportability or upon any other ground of deportability provided under section 241(a).”.

(b) TECHNICAL AMENDMENT.—The ninth sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by striking “The” and inserting “Except as provided in section 242A(j)(d), the”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens whose adjudication of guilt or guilty plea is entered in the record after the date of enactment of this Act.

SEC. —. CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.

No amendment made by this Act and nothing in section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i)) shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

On motion of Mr. BROOKS, said Senate amendments to the House amendment to the Senate amendment were agreed to.

A motion to reconsider the vote whereby said Senate amendments to the House amendment to the Senate amendment were agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶122.27 CIVIL RIGHTS COMMISSION REAUTHORIZATION

On motion of Mr. BROOKS, by unanimous consent, the bill (S. 2372) to reauthorize for three years the Commission on Civil Rights, and for other purposes; together with the following amendment of the Senate to the amendments of the House thereto, was taken from the Speaker's table:

Page 10, line 12, strike out “September 30, 1995” and insert “September 30, 1996”.

On motion of Mr. BROOKS, said Senate amendment to the House amendments was agreed to.

A motion to reconsider the vote whereby said Senate amendment to the House amendments was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶122.28 JUDICIAL AMENDMENTS

On motion of Mr. BROOKS, by unanimous consent, the Committee on Judiciary was discharged from further consideration of the bill of the Senate (S. 2407) to make improvements in the operation and administration of the Federal courts, and for other purposes.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶122.29 U.S. ARMED FORCES IN HAITI

On motion of Mr. HAMILTON, by unanimous consent, the joint resolution of the Senate (S.J. Res. 229) regarding United States policy toward Haiti; was taken from the Speaker's table.

When said joint resolution was considered and read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said joint resolution was

passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

By unanimous consent, a similar joint resolution, H.J. Res. 416, was laid on the table.

¶122.30 CHILD SUPPORT ENFORCEMENT

On motion of Ms. NORTON, by unanimous consent, the Committee on Post Office and Civil Service, the Committee on Government Operations, and the Committee on Foreign Affairs were discharged from further consideration of the bill (H.R. 5179) to amend title 5, United States Code, to strengthen child support enforcement orders through the garnishment of amounts payable to Federal employees, and for other purposes.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶122.31 TORTURE OR EXTRAJUDICIAL KILLING

On motion of Mr. BROOKS, by unanimous consent, the Committee of the Whole House on the state of the Union was discharged from further consideration of the bill (H.R. 934) to amend title 28, United States Code, relating to jurisdictional immunities of foreign states, to grant jurisdiction to the courts of the United States in certain cases involving torture or extrajudicial killing occurring in that state.

When said bill was considered and read twice.

The following amendment in the nature of a substitute, recommended by the Committee on Judiciary, was then agreed to:

Strike all after the enacting clause, and insert the following:

SECTION 1. EXCEPTION TO FOREIGN SOVEREIGN IMMUNITY FOR CERTAIN CASES INVOLVING ACTS OF GENOCIDE IN A FOREIGN STATE.

Section 1605(a) of title 28, United States Code, is amended—

(1) by striking “or” at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting in lieu thereof “; or”; and

(3) by adding at the end thereof the following:

“(7) not otherwise encompassed in paragraph (2), in which money damages are sought against the Federal Republic of Germany for the personal injury or death of a United States citizen occurring in the predecessor states of the Federal Republic of Germany, or in any territories or areas occupied, annexed or otherwise controlled by those states and caused by an act of genocide committed against that citizen, by such predecessor state or by any official or employee of such predecessor state while acting within the scope of his or her office or employment during World War Two except that—

“(A) an action under this paragraph shall not be maintained unless the individual